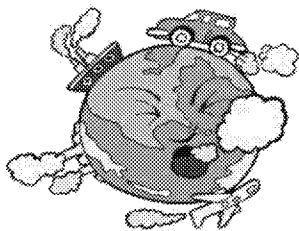


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Subject: Air & Radiation Law News for November 3, 2020



Air & Radiation Law News for November 3, 2020

Ballot Measures on Oil Drillers, Others Spur Billions in Spending

The 2020 general election is set to make history for the amount of money raised to sway voters on relatively few initiatives on the ballot today, as the coronavirus pandemic has transformed traditional politics.

Smallest in Decades: Voters cast ballots on 120 proposals nationwide—the least number of ballot measures in an even-numbered year this century, says the Initiative and Referendum Institute at the University of Southern California. The issues include an overhaul to Alaska's oil and gas production tax, and a Colorado move to reintroduce gray wolves on public lands.

Pandemic Changes: Fundraising to pass or defeat those proposals is on track to outpace 2018's \$1.19 billion, according to Ballotpedia figures, as campaigns doled out cash for unanticipated costs including digital advertising, text messaging, and personal protective equipment. They also spent money on attorneys to ask courts for new rules to qualify measures that fell short on signatures as a result of the stay-at-home orders.

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Leading the News

Barrett Makes Supreme Court Debut in Environmental Documents Case

Justice Amy Coney Barrett made her Supreme Court debut Monday, less than a week after being sworn in as the newest member of the court.

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Green Groups Sue Over EPA's Power Plant Water Pollution Rule (2)

Several green and social justice groups are asking the Fourth Circuit and D.C. Circuit to review the EPA's decision to change a rule governing wastewater from power plants, according to separate petitions filed Monday.

[📎 Documents Attached](#)

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Pension Fund Sued for Not Being Green Enough Settles Aussie Case

A \$41 billion pension fund sued in Australia over its disclosure of climate change risks settled the lawsuit on Monday with a commitment to net zero emissions in its portfolio by 2050 -- a case that may spur more litigation around the world.

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Chart: Calculating Carbon

Norwegian oil major Equinor ASA has extended its net-zero climate pledge to now include emissions from its products by 2050 while also targeting increased oil and gas output.

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Climate

GMO's Grantham Calls for Marshall Plan for Climate Change (1)

Jeremy Grantham, the money manager who's devoting his fortune to fight climate change, called on the next U.S. administration to start a major public works program akin to the Marshall Plan to revive economic growth amid the pandemic and threats caused by global warming.

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China Proposes Max \$4,500 Fine for Carbon Market Violations (1)

China's top environmental regulator is proposing a maximum fine of 30,000 yuan (\$4,500) for participants in the country's new national carbon market that don't buy enough allowances to cover their greenhouse gas emissions.

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Environmental Justice

NFL's Dolphins Sued by Black Neighbors Over Car Racing Plan (1)

The Miami Dolphins and Miami-Dade County, Fla., are facing a suit in the Southern District of Florida by residents of a predominantly Black community near Hard Rock stadium, seeking to bar Formula One racing at the facility scheduled to begin in May.

📎 [Documents Attached](#)

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InsideEPA

MORNING ALERT

Latest News

D.C. Circuit Queries Standing, Merits In Suit Over EPA NSR Reporting Rule

A three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit at Nov. 2 oral argument asked tough questions of attorneys for EPA and New Jersey in the state's suit over a new source review (NSR) reporting rule, including queries about the state's legal standing to sue as well as the merits of the legal challenge. [FULL STORY](#)

EPA Revokes Obama-Era Utah Haze Plan, Approves 'Alternative' Measures

EPA has revoked an Obama-era federal plan imposing strict emissions controls on Utah power plants to reduce regional haze, replacing it with approval of a plan by the state that employs "alternative" measures to stringent source-specific control measures as part of a Trump administration policy of deferring more to states on such plans. [FULL STORY](#)

Biofuels Groups Prepare To Battle Democratic Push For Electric Vehicles

Biofuels groups are lobbying Iowa lawmakers to oppose Democrats' draft legislation to phase out liquid fuels in favor of electric vehicles (EVs) and hydrogen fuel-cell vehicles, preparing for

a major fight over the bill and other fuels and climate policies if Democratic presidential nominee Joe Biden wins the Nov. 3 election. [FULL STORY](#)

ACC Seeks Weaker EPA Ethylene Oxide Air Rule With Petition, Lawsuit

The American Chemistry Council (ACC) is fighting environmentalists' bid for a stricter EPA ethylene oxide (EtO) air rule for the miscellaneous organic chemical manufacturing (MON) sector, filing a lawsuit and an administrative petition for reconsideration saying EPA should weaken the rule because it overestimates EtO risks to the public. [FULL STORY](#)

Critics Declare Victory As Court Remands BLM Oil Leases For Climate Study

Environmental groups challenging the Bureau of Land Management's (BLM) environmental reviews for thousands of oil and gas leases on 1.9 million acres of public lands across the West are declaring at least a partial victory after a federal district court granted the bureau's request to remand the reviews for further climate change analysis. [FULL STORY](#)

Daily Feed

Environmental groups sue EPA over power plant ELG

"We have won court rulings to clean up toxic coal plants before, and we won't let the progress be undone," said Thomas Cmar, deputy managing attorney for the Coal Program at Earthjustice. [FULL STORY](#)

CCS group floats 2021 policy pitch to Biden, Trump teams

The Carbon Capture Coalition is urging both the Trump re-election campaign and the Biden transition to embrace research and incentives for carbon capture technologies. [FULL STORY](#)

Senate Democrats tout new corporate governance group

Four Democratic senators are citing various climate change and environmental issues as motivating factors for creating a new "working group" to assess corporate governance rules. [FULL STORY](#)

Ewire: Election tees up potential major pivot on climate change policy

In today's Ewire: The Nov. 3 elections will determine which party controls the White House and Congress, with major implications for climate mitigation policy. [FULL STORY](#)

Environment Next

Energy Researchers Tout Improved Cost-Benefit Review For CO2 Policies

Energy researchers at Columbia University are touting what they describe as a better methodology that compares the actual carbon dioxide reductions different policies and technologies achieve for the money spent, in response to concerns that potentially costly decarbonization policies can have little real impact in reducing CO2 emissions. [FULL STORY](#)



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